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Pro Se Litigant

**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEVADA**

RUSSELL G. GREER, an
individual

Plaintiff

v.

FREMANTLE PRODUCTIONS, a
corporation, **ET AL.**

Defendant

**PLAINTIFF'S EMERGENCY MOTION
FOR MOTION FOR LEAVE TO FILE A
SUPPLEMENTAL MEMORANDUM IN
SUPPORT OF PLAINTIFF'S
OPPOSITION RESPONSE TO
DEFENDANTS' MOTION TO COMPEL
ARBITRATION**

Case No.: 2:21-cv-01905

Judge Richard F. Boulware, II

Magistrate Judge Nancy J. Koppe

NATURE OF THE EMERGENCY

Plaintiff designates this motion as an emergency because Defendants' Reply to his Response is due on 02-13-22 and so deadlines will be pushed back if this motion is granted. As stated, both parties want to resolve this matter as soon as possible because Greer has an April-May deadline and the defendants are seeking arbitration, which Greer strongly opposes. And so an emergency granting this motion will help the docket move along faster.

INTRODUCTION

Plaintiff respectfully moves this Court for the entry of an Order granting Plaintiff the right to file a Supplemental Memorandum in Support of Plaintiff's Opposition to Defendant's Motion to Compel Arbitration, a copy of which is attached hereto, and for these reasons, he relies upon the following:

BACKGROUND

Plaintiff timely filed his Opposition to Defendant's Motion to Compel and laid out thoroughly his arguments opposing arbitration. However, after filing his Opposition, Greer did more research and found additional authority and information that supplements, strengthens and expounds on his Opposition Response. The additional information and authority set forth as part of Plaintiff's proposed Supplemental Memorandum are significant and directly relevant to opposing the merits of Defendant's motion. For instance, Greer expounds upon arguments he made in his Opposition Motion. He does not offer any new argument, but presents additional authority.

PROPOSED REPLY DEADLINE

Plaintiff would not oppose the entry of an Order granting a brief extension of time for the Defendants until February 22, 2022, or such other time as the Court deems appropriate, to file its Reply Memorandum.

DEFENDANTS OPPOSE MOTION

Upon asking Defendants' counsel if they accepted this filing, they opposed, writing:

"We oppose your request that the Court grant you leave to file another opposition. We have already prepared and finalized our reply, and will be filing it tomorrow morning. You are only permitted one opposition. If you file a second opposition, we will have to prepare another reply, which will only further increase the cost imposed on Marathon and Fremantle by your refusal to comply with your agreement to arbitrate. To the extent that you decide to move forward with your request for leave to file another opposition, please include this paragraph in your motion so that the Court is aware of our position. Please also ensure that you do not file your second opposition unless and until the Court grants you leave to do so."

COURTS FREQUENTLY ALLOW SUPPLEMENTAL MEMORANDUMS TO BE FILED

Defendants' cost arguments are unpersuasive Greer's motion is not frivolous nor is he seeking to delay rulings, but rather, trying to offer additional authority and information to strengthen his Opposition Response. *Smith v. Vancouver Mall III LLC*, No. C12-5390 RJB (W.D. Wash. July 19, 2012) (denying frivolous pro se motion because it would increase a cost in a reply).

Courts in the Court and in the 9th Circuit frequently allow Supplemental Memorandums to be filed. Especially given that the motion to compel has not been decided or even argued, "the Court has complete flexibility to allow additional briefing." *Majestic Air v. Lufthansa*, 1:16-bk-11538-GM (C.D. CA Bankruptcy Court June 12th, 2020). "A district court has wide discretion to grant a party leave to supplement the record upon request in order that the court may obtain accurate information when making its ruling." *LimoStars, Inc. v. New Jersey Car and Limo, Inc.*, 2011 WL 3471092, * 3 n. 5 (D.Ariz. August 8, 2011). *Righthaven LLC v. Democratic Underground, LLC*, No. 2:10-cv-1356-RLH-GWF (D. Nev. Apr. 14, 2011) (writes, "the supplemental memorandum goes to the very heart of this litigation.").

Plaintiff respectfully requests that the Court enter an Order:

1. Granting Plaintiff the right to file the attached Supplemental Memorandum in Support of Plaintiff's Opposition to the Defendant's Motion to Compel.
2. If it is granted, having the Court Clerk file the Supplemental Memorandum.

CONCLUSION

Plaintiff respectfully requests that the Motion for Leave be granted and the attached Supplemental Memorandum be granted.

Respectfully submitted,

DATED: February 12th, 2022

By:

Russell Greer

Pro Se Litigant

/rgreer

A large, bold, black handwritten signature, likely of Russell Greer, is written over the typed name and title. The signature is stylized, starting with a large 'R' and ending with a long, sweeping horizontal stroke.

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing MOTION FOR LEAVE TO FILE

SUPPLEMENTAL MEMORANDUM with the Clerk of the Court by using email.

I certify that the following participants in this case are registered electronic filing systems users

and will be served electronically.

Served are:

Joel Schwarz: joel@hl1lawgroup.com

Molly Lens: mlens@omm.com

Zachary Dekel: zdekel@omm.com

Counsel for Fremantle and Marathon.